

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT *CR*
ON 5/2/2012
Julie A. Richards, Clerk
US District Court
Eastern District of NC

United States of America
 v.
 Dwayne Tyrone Richardson

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Case No: 5:04-CR-82-1BO

USM No: 24265-056

Thomas P. McNamara

Defendant's Attorney

Date of Original Judgment: 11/20/2009

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment *(as reflected in the last judgment issued)* of _____ months **is reduced to** _____

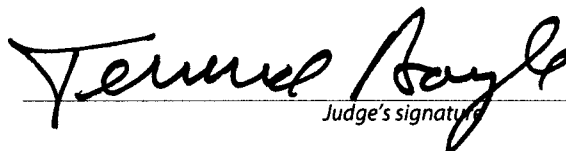
The defendant was subject to a mandatory minimum term of imprisonment, which was not mitigated by application of 18 U.S.C. § 3553(f) or 5C1.2 (Safety Valve). In the instant offense, it was determined that the applicable guideline range was 262 to 327 months; however, the court departed downward and sentenced the defendant to the mandatory minimum statutory term of 120 months pursuant to a U.S.S.G. 5K1.1....(continued on page 2)

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated November 20, 2009 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 5-2-12


 Judge's signature

Effective Date: _____

(if different from order date)

Terrence W. Boyle, U.S. District Judge

Printed name and title